REMARKS

In the Office Action dated October 20, 2004, claims 1-21 were presented for examination. Claims 1-21 were rejected under 35 U.S.C. §102(b) as being anticipated by *Jang et al.*, "An Effective Mechanism for Index Update in Structured Documents", ACM 1999, pages 383-390.

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application.

On January 13, 2005, Examiner Huynh and Applicant's Attorney had an Examiner's Interview. The features of Applicant's invention were discussed in detail. Specifically, the elements of Applicant's counter, the dynamic generation of a relevant identifier, and formatting of the relevant identifier. Applicant's Attorney pointed out the dynamic nature of the invention, and more specifically the dynamic generation of the reference identifier for a relevant attribute, as opposed to the static preprocessing of *Jang et al.* It was agreed by the parties present that Applicants would further define the invention in one or more of the independent claims of record by including details of generation of the reference identifier to overcome the prior art of record.

The title was objected to by the Examiner for having an incorrect spelling of the word "identifier". The title of the application includes the word "identifiers". The term "identifier" is the noun of the word "identify", and the term "identifiers" is the plural of the noun "identifier". Applicant's Attorney has reviewed the originally filed patent application and cannot find an incorrect spelling of the word "identifier" in the title. If the Examiner maintains their objection, Applicant respectfully requests a suggestion for the correction of this word.

Claims 1-21 were rejected under 35 U.S.C. §102(b) as being unpatentable over *Jang et al.*, "An Effective Mechanism for Index Update in Structured Documents", ACM 1999, pages 383-390.

6

The *Jang et al.* publication teaches a method for statically preprocessing a document for search and retrieval. More specifically, the *Jang et al.* publication pertains to statically generating an index and updating the index. A query conducted in the *Jang et al.* environment generates a statistical analysis result. *Jang et al.* does not return an identifier in response to the query, wherein the identifier is associated with the document fragment that is being searched. Rather, the identifier of *Jang et al.* is statically created with respect to the tree structure when the tree is created.

Applicant's invention differs from the publication of *Jang et al.* Although Applicant's invention pertains to structured documents, such as extensible markup language (XML) and standard generalized markup language (SGML), the query and results produced by the query, in the invention of Applicant differ from the publication of *Jang et al.* Applicant's invention pertains to traversing the data structure formatted document and dynamically generating an identifier in response to the query. The generated identifier of Applicant is then presented in a human readable format, *i.e.* delivered to the client workstation. The identifier of *Jang et al.* is a statically generated identifier. Each element in the tree structure of *Jang et al.* is assigned an identifier according to the location of the element in the tree. See Section 2.1, page 384. The identifier of Applicant is dynamically generated in that it is produced in response to a query, and it is not statically generated in response to creation of document, *i.e.* document tree. The dynamically generated identifier of Applicant corresponds to an object, *i.e.* a fragment, in the searched document. Furthermore, the identifier of Applicant is transitory in that it is only accurate for the specified query. As shown in Applicant's amended claims 1, 9, and 15, the search results are dynamically generated and forwarded to a client workstation. Accordingly, it is clear that the generation and delivery of the identifier of Applicant differs from that of *Jang et al.*

With respect to claims 2, 3, 10, 11, 17, 18, 19, and 20, Applicant is claiming a counter, and incrementation of the counter when a query match occurs or clearance of the counter when a branch of the data structure is closed. The accumulator of *Jang et al.* noted on page 385, Fig. 2, is not equivalent to the counter as claimed by Applicant. Rather, the accumulator of *Jang et al.*

7

is a statically generated frequency compiler. The counter of Applicant is generated in response to the query request and in conjunction with the query process. Accordingly, *Jang et al.* does not teach the counter of Applicant, wherein the counter is responsive to a query request.

In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). As mentioned above, *Jang et al.* does not show all of the elements as claimed by Applicant in pending claims 1-21. Specifically, *Jang et al.* does not show a method or system identifying a target object in response to a search and delivering an associated identifier to a client workstation. Rather, *Jang et al.* shows a statically generated identifier and a method for compiling statistical information in response to a query. There is no express or inherent teaching of generating a reference identifier to a target object and for delivering this identifier to a client workstation. Accordingly, *Jang et al.* clearly fails to teach the limitations pertaining to the dynamic generation and delivery of a reference identifier, as defined by Applicant and as presented in Applicant's pending claims 1-21.

"[A] previous patent anticipates a purported invention only where, except for insubstantial differences, it contains *all* of the same elements operating in the same fashion to perform an identical function." *Saunders v. Air-Flo Co.*, 646 F.2d 1201, 1203 (7th Cir. 1981) citing *Popeil Brothers, Inc. v. Schick Electric, Inc.*, 494 F. 2d 162, 164 (7th Cir. 1974) (holding patents were not invalid as being anticipated by or obvious in light of prior art) *(emphasis added)*. *Jang et al.* does not anticipate the invention of Applicant based upon the legal definition of anticipation. Although the prior art cited by the Examiner relates to XML and SGML formatted documents and for traversal of such documents, *Jang et al.* fails to show each and every element as presented in Applicant's claimed invention. In fact, *Jang et al.* does not show generating an identifier specific to a target object in response to a query of the data structure formatted document. Rather, *Jang et al.* shows producing statistical analysis of a document and terms in a document in response to a query thereof. The dynamically generated identifier of

8

Applicant that is delivered to the client workstation is not an equivalent element to the statically generated unique element identifier of *Jang et al.* Accordingly, Applicant respectfully requests the Examiner to remove the rejection of claims 1-21, and to provide allowance of this application.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By: ⟋⟋⟍⟍⟋⟍⟍

Rochelle Lieberman
Registration No. 39,276
Attorney for Applicant

Lieberman & Brandsdorfer, LLC
12221 McDonald Chapel Drive
Gaithersburg, MD 20878-2252
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

Date: January 21, 2005

The transmission ends with this page

9